

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Crim. No. 06-87(3)

Plaintiff,

v.

MEMORANDUM AND ORDER

Cecilia A. Stanifer,

Defendant.

This matter comes before the Court on Defendant Cecilia A. Stanifer's Pro Se Motion for Review of Sentence pursuant to 18 U.S.C. § 3742(a)(2). Because § 3742 does not grant this Court power to review sentences, Stanifer's Motion is denied.

In May 2006, Stanifer pled guilty to one count of conspiracy to commit bank fraud and one count of possessing a counterfeit security, in violation of 18 U.S.C. §§ 371 and 513(a). On March 6, 2007, she was sentenced to 70 months imprisonment and 3 years supervised release. In addition, Stanifer was assessed a \$200.00 fine and ordered to pay restitution in the amount of \$693,405.70 jointly and severally with all co-defendants.

On November 11, 2007, Stanifer filed a § 2255 Petition challenging her sentence. After this Court denied the Petition, Stanifer filed an appeal to the Eighth Circuit, which affirmed.

Stanifer now asks this Court to again review her sentence under 18 U.S.C. § 3742(a)(2). However, § 3742 does not provide for review of a sentence by the district

court. While § 3742(a) permits a defendant to file a notice of appeal in the district court, the section does not give district courts authority to review the sentence being appealed. Under this statute, review of the sentence is reserved for the court of appeals. See 18 U.S.C. § 3742(c) (“[U]pon review of the record, *the court of appeals* shall determine whether the sentence . . . was imposed as a result of an incorrect application of the sentencing guidelines” (emphasis added)). Therefore, § 3742 does not provide any basis for the relief that Stanifer seeks.

Accordingly, **IT IS HEREBY ORDERED THAT** Stanifer’s Pro Se Motion for Review of Sentence (Docket No. 540) is **DENIED**.

Dated: Wednesday, September 23, 2009

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court